



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, DECEMBER 16, 2003

Closed Session – 9:00 a.m.

Regular Meeting – 10:00 a.m.

MERCED COUNTY
ADMINISTRATION BUILDING
2222 "M" STREET
BOARD ROOM, THIRD FLOOR
MERCED, CALIFORNIA 95340
(209) 385-7366

GLORIA CORTEZ KEENE.....DISTRICT 1
CHAIR KATHLEEN M. CROOKHAM....DISTRICT 2
MICHAEL G. NELSON.....DISTRICT 3
DEIDRE F. KELSEY....DISTRICT 4
JERRY O'BANION.....DISTRICT 5
Lydia A. Beiswanger, Chief Clerk

DEMITRIOS O. TATUM
COUNTY EXECUTIVE OFFICER

RUBEN E. CASTILLO
COUNTY COUNSEL

*All supporting documentation is available for public review in the Office of the Clerk of the Board of Supervisors located in the County Administration Building, Third Floor, 2222 "M" Street, Merced, California, 95340
During regular business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday.*

The Agenda is available online at www.co.merced.ca.us

HEARING ASSISTANCE DEVICES ARE AVAILABLE FOR PUBLIC USE
INQUIRE WITHIN THE BOARD OF SUPERVISORS OFFICE

Members of the public are advised that all pagers, cellular telephones and any other communication devices are to be turned off upon entering the Board Chambers

SCHEDULED ITEMS

9:00 A. M.

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: It is the intention of the Board to meet in Closed Session concerning:
Conference with Legal Counsel-Significant exposure to litigation (Subdivision (b) of Section 54956.9): One Case

Conference with Legal Counsel-Determination to Initiate Litigation (Subdivision (c) of Section 54956.9): One Case

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Subdivision (f) of Section 54957.6 concerning a Conference with County of Merced Staff Negotiators concerning negotiations with American Federation of State, County and Municipal Employees (AFSCME), Units 4, 5, 6 and 8; Independent Employees of Merced County (IEMC), Unit 3; Merced County Lawyers Association, Unit 7; Merced County Sheriff Employee Association (MCSEA), Unit 2; Merced County Law Enforcement Sergeants, Unit P and Deputy Sheriff Association, Unit 10

THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED DIRECTION WAS GIVEN TO STAFF

10:00 A. M.

PLEDGE OF ALLEGIANCE

PUBLIC OPPORTUNITY TO SPEAK ON ANY MATTER OF PUBLIC INTEREST WITHIN THE BOARD'S JURISDICTION INCLUDING ITEMS ON THE BOARD'S AGENDA, EXCEPT FOR THOSE ITEMS SPECIFICALLY SCHEDULED AS PUBLIC HEARINGS (See Board Clerk - Testimony limited to five minutes per person)

The following speak: Public Health Director John Volanti and Planning Director Bill Nicholson

PRESENTATION

Mercy Update - Interim President Tom Hennessy and Mercy Medical Center Merced Board of Directors

REVIEW BOARD ORDER – SEE PAGE 8

UC MERCED PROJECT - LIAISON REPORT

NO REPORT

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Planning-\$3,250; Sheriff-\$3,000 and \$7,550

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 22)

APPROVED AS RECOMMENDED AYES: ALL

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, County Auditor, Board of Supervisors Members

10:30 A. M.

EXECUTIVE OFFICE - PROPOSED ORDINANCE - FIRST READING - SET SECOND READING AND POSSIBLE ADOPTION FOR DECEMBER 23, 2003 AT 10:30 A.M.

An Ordinance Establishing the Merced County Redevelopment Agency and declaring the Board of Supervisors to be the Redevelopment Agency

REVIEW BOARD ORDER – SEE PAGE 8

PLANNING - PUBLIC HEARING

To amend the Agricultural Preserve as the requirements of the Land Conservation Act of 1965 (Williamson Act) Section 51200 et. Seq. of the California Government Code

PUBLIC HEARING WILL NOT BE HELD – CONTINUED TO JANUARY 27, 2004 AT 10:30 A.M.

PLANNING - PUBLIC HEARING

Comments on the 2004 Community Development Block Grant (CDBG) Program, General and Native American Allocation and Economic Development Allocation

REVIEW BOARD ORDER – SEE PAGE 9

MENTAL HEALTH - PUBLIC HEARING – FIRST READING, SET SECOND READING AND POSSIBLE ADOPTION FOR DECEMBER 23, 2003 AT 10:30 A.M.

An Ordinance changing Fees set for Mental Health Services performed by the Merced County Mental Health Department (Repeals Ordinance No. 1692 and amends County Code Chapter 9.48)

REVIEW BOARD ORDER – SEE PAGE 9

LUNCH BREAK

CONSENT CALENDAR (Items #1 - 22)

APPROVED AS RECOMMENDED AYES: ALL

Travel Request

1. Approve Travel Request submitted by Business-Economic Opportunities as recommended by Executive Office.

Budget Transfers

2. Approve Budget Transfers submitted by Public Works-\$4,800 (#021), Planning-\$301,099 and Sheriff-\$20,000 and \$7,326 as recommended by Executive Office.

Human Services Agency

3. Approve and authorize Chairman to sign Renewal Contract No. 200239 with Dos Palos/Oro Loma Joint Unified School District for Family Services Worker at the School District Office.
4. Approve and authorize Chairman to sign Amendment to Contract No. 7172 with Merced Union High School District for excess costs for administrative services to CalWORKs participants.

5. Approve and authorize Chairman to sign Renewal Contract No. 2000235 with University of California-Davis for staff training and development.
6. Approve and authorize Chairman to sign Renewal Contract No. 7174 with Merced College for administrative services of CalWORKs program.

Ag. Commissioner

7. Approve and authorize Chairman to sign Renewal Contract No. 8306 with Calif. Dept. of Food and Agriculture for Cotton Plowdown Enforcement Inspections.

ADOPTED RESOLUTION NO. 2003-220

Dept. of Workforce Investment

8. Approve and authorize Chairman to sign the following Amended Contracts with One-Stop Partners: 2001210 with Business-Economic Opportunities, 200037 with Central Valley Opportunity Center, 200284 with Experience Works-California Area 4, 200040 with Human Services Agency, 200036 with Merced Adult School, 200035 with Merced County Office of Education, 200061 with Housing Authority of the County of Merced, 200039 with Department of Workforce Investment (DWI), 200038 with Community Action Agency (CAA) and 200041 with Merced College.

Child Support Services

9. Approve and authorize Chairman to sign Renewal Contract No. 99001 with Information Systems for Plan of Cooperation.

Health

10. Approve and authorize Chairman to sign Renewal Contract No. 2002243 with State Dept. of Health Services for implementation of the Emergency Medical Services Appropriation (SB 2132).

Mental Health

11. Adopt Resolution authorizing Chairman to sign Amendment to Contract No. 99181 with State Dept. of Alcohol and Drug Programs for the Drug Court Partnership Program to extend Project Year Four funds to June 30, 2004.

ADOPTED RESOLUTION NO. 2003-217

Library

12. Authorize the Merced, Atwater, Gustine, Le Grand, Livingston, Los Banos, South Merced-George and Winton Libraries to close at 5:00 p.m. on December 24th and December 31, 2003.

Executive Office

13. Approve and authorize the Chairman to sign Renewal Contract No. 10243 with Pacificare of California for provision of Medicare HMO to retirees.
14. Approve and authorize Chairman to sign Renewal Contract No. 9024 with Professional Benefit Services for Dental Claims Administration.
15. Approve and authorize Chairman to sign Renewal Contract No. 8357 with Vision Service Plan for Vision Insurance.

Board of Supervisors

- 16. Set public hearing for January 27, 2004 at 10:30 a.m. to amend the Agricultural Preserve as per the requirements of the Land Conservation Act of 1965 (Williamson Act) Section 51200 et. seq. of the California Government Code.
- 17. Set public hearing for January 27, 2004 at 10:30 a.m. to consider an appeal to Conditional Use Permit Application No. 01009 submitted by Legal & Safety Employer Research, Inc. and Ronald D. Gardner.

Board Recognition

- 18. Authorize Certificate of Recognition to Ruben Webb for years of service to the Winton Municipal Advisory Council.
- 19. Authorize Certificates of Recognition to Ramona Torres and Effie Bunch for their dedicated years of services as Public Health Nurses in the County of Merced.
- 20. Authorize Certificates of Recognition in celebration of Farm-City Week as follows: Tim Pellissier for Field Crops, Dan Macedo for Livestock-Dairy, James Andersen for Agri-Education, Rick Kirby for Agri-Business and Vancy Bulluck for Trees-Vines and adopt Proclamation proclaiming Farm-City Week for November 21-27, 2003 in the County of Merced.
- 21. Authorize Certificate of Recognition to Winner Caleb Benjamin Hernandez, Second Place Award to Jose Navarrete and Third Place Award to Hats Saengphachanh in the Merced County Chamber of Commerce Sesquicentennial Logo Contest.

Auditor-Controller

- 22. Approve and authorize Chairman to sign Amendment to Contract No. 99159 with Moss Adams, LLP to audit the Department of Workforce Investment.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

- 23. Authorize maximum expenditure of \$500 from Special Board Project Funds-District One for San Joaquin Valley Rail Committee Meeting lunch and refreshments for meeting to be held in Merced County on January 9, 2004.

APPROVED AS RECOMMENDED AYES: ALL

- 24. Resolution authorizing submittal of an Environmental Enhancement and Mitigation Application for Grant Funds in the amount of \$250,000 to help mitigate 600' on the north side of State Route 140, east of Plainsburg Road in Planada.

ADOPTED RESOLUTION NO. 2003-218 AS RECOMMENDED AYES: ALL

GENERAL SERVICES

- 25. Contract with Automatic Coffee Services for Concessionaire Services.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003276 AYES: ALL

DISTRICT ATTORNEY

26. Resolution authorizing participation in the Vertical Prosecution Program with the Office of Criminal Justice Planning in the amount of \$127,766 for prosecution of all cases involving defendants who have been identified as career criminals and all cases charging statutory rape violations.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003275 AND ADOPTED RESOLUTION NO. 2003-219 AYES: ALL

27. Declare the 22 Nextel Cellular Telephones as Surplus Property and authorize their disposal; and approve the donation of the 22 Nextel Cellular Telephones to A Woman's Place and authorize the transfer in accordance with Ordinance No. 374.

APPROVED AS RECOMMENDED AYES: ALL

HEALTH

28. Termination of Contract No. 2003218 with E-Waste Solutions for Household Hazardous Waste Disposal pursuant to the conditions of the contract and Request for Proposal No. 5855, authorize preparation and mailing of Letter of Termination to E-Waste Solutions and authorize negotiations with the next qualified bidder to return to the Board for final contract approval.

APPROVED AS RECOMMENDED AYES: ALL

TREASURER-TAX COLLECTOR

29. Contract with Bid4Assets, Inc. for Internet Auction Service for conducting of internet auction of tax defaulted properties.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003277 AYES: ALL

30. Authorize Tax Collector to negotiate a contract with EPOS Corporation for an Interactive Voice Response and Internet Tax Payment System.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

31. Contract with California Health Collaborative Women's Health Partnership for funding to operate a cancer awareness project in Los Banos and approve the necessary budget transfer-\$5,000 (H-08).

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003278 AYES: ALL

32. PULLED FROM AGENDA.

SHERIFF

33. Authorize payment to Deputy Cuevas for Overtime hours worked during pay period #16 due to administrative error and authorize Auditor adjustment.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

34. Business License Appeals Board - District Two.

APPOINT CLARK KELLOGG TO SERVE AS A MEMBER OF THE BUSINESS LICENSE APPEALS BOARD, REPRESENTING DISTRICT TWO, UNTIL OCTOBER 21, 2005 AYES: ALL

35. Business License Appeals Board - District Five.

APPOINT MARK DUDYS TO SERVE AS A MEMBER OF THE BUSINESS LICENSE APPEALS BOARD, REPRESENTING DISTRICT FIVE, UNTIL OCTOBER 21, 2005 AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

- 36. State Fish and Game Commission re: Notice of Meeting set for December 16 has been postponed relative to the consideration of the Coho Recovery Strategy - Special Meeting.
- 37. State Office of Historic Preservation re: National Register of Historic Places - Church of Saint Joseph, Los Banos.
- 38. State Water Resources Control Board re: Notice of Public Hearing - Draft Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List and Draft Functional Equivalent Document.
- 39. Federal Emergency Management Agency re: Letter of Map Revision based on Fill Determination Document (Removal) - Whealan Subdivision.

ADOPTED RESOLUTIONS AND ADJOURNED MEETING IN MEMORY OF FLORENCE (PENNEY) COCKERELL AND CLAIR ALFRED HOPKINS UNTIL TUESDAY, DECEMBER 23, 2003 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – DECEMBER 16, 2003

10:00 A. M. SCHEDULED ITEM

2003-12-16 PRESENTATION – Mercy Medical Center Merced Update

Mercy Medical Center Merced Interim President Tom Hennessy updates the Board on the Hospital progress and reviews clinical care, social care in the emergency room and improvement steps that have been taken.

Mr. Hennessy states decreased times have occurred in the patient turnaround time and the number of patients leaving before seeing a physician. He advises additional beds are currently being addressed due to the unavailability of hospital beds. Mr. Hennessy reviews the plan to close the Urgent Care Center at the Dominican Campus.

Supervisor Cortez Keene questions how is the hospital dealing with the shortage of orthopedic surgeons. Mr. Hennessy responds stating search firms have been contacted to recruit new physicians.

Public Health Director John Volanti states the County has retained the services of Pacific Health Consulting Group to review the contract between Mercy Medical Center Merced and the County.

The Chairman states the hospital issues are of great concern to the community and the goal is to have updates and improvement in services provided by Mercy Medical Center Merced.

Present: Crookham, Cortez Keene, Nelson, Kelsey, O'Banion

10:30 A.M. SCHEDULED ITEM

2003-12-16 EXECUTIVE OFFICE – PROPOSED ORDINANCE – PUBLIC HEARING

The time and date previously set for a public hearing and First Reading of a Proposed Ordinance Establishing the Merced County Redevelopment Agency and declaring the Board of Supervisors to be the Redevelopment Agency submitted by the Executive Office.

The Chairman asks if there is anyone present who wishes to speak. No one speaks.

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Nelson, duly carried, the Board waives further reading of Proposed Ordinance Establishing the Merced County Redevelopment Agency and declaring the Board of Supervisors to be the Redevelopment Agency and sets second reading and possible adoption for December 23, 2003 at 10:30 a.m.

Ayes: Crookham, Cortez Keene, Nelson, Kelsey, O'Banion

10:30 A.M. SCHEDULED ITEM

2003-12-16 PLANNING – PUBLIC HEARING

The time and date previously set for the public hearing to receive comments and advise of the availability of funding on the 2004 Community Development Block Grant (CDBG) Program, General and Native American Allocation and Economic Development Allocation submitted by Planning and Business-Economic Opportunities.

Planning Director Bill Nicholson and Business-Economic Opportunities Director John Fowler review the Staff Report advising Staff is proposing the 2004 CDBG Grant Funds be utilized for Housing Rehabilitation within Census Tracts 9.02, Franklin/Beachwood/Gurr Road area and 19.01, Planada area. Staff is proposing the 10% set aside as part of the 2004 CDBG application be used for both Code Enforcement and One Time Property cleanup. BEO will return in mid-2004 when the Economic Development Allocation process for funds begins for economic development activities.

The Chairman asks if there is anyone present who wishes to speak.

Paul Boyer, Self Help Enterprises, speaks in favor of the recommendations and urges the Board's approval.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board authorizes Planning and Community Development Department and the Business-Economic Opportunities Department to develop 2004 Community Development Block Grant (CDBG) Program, General and Native American Allocation and Economic Development Allocation applications to submit to the Calif. Dept. of Housing and Community Development (HCD) for funding and authorizes the housing rehabilitation applications be concentrated in the Census Tracts 9.02, Franklin/Beachwood/Gurr Road area and 19.01, Planada area understanding Business-Economic Opportunities will return to the Board at a later date for economic development activities.

Ayes: Crookham, Cortez Keene, Nelson, Kelsey, O'Banion

10:30 A.M. SCHEDULED ITEM

2003-12-16 MENTAL HEALTH – PROPOSED ORDINANCE – PUBLIC HEARING

The time and date previously set for a public hearing and First Reading of a Proposed Ordinance changing Fees set for Mental Health Services Performed by the Merced County Mental Health Department (Repeals Ordinance No. 1692 and Amends County Code Chapter 9.48) submitted by Mental Health.

The Chairman asks if there is anyone present who wishes to speak. No one speaks.

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Nelson, duly carried, the Board waives further reading of Proposed Ordinance changing Fees set for Mental Health Services Performed by the Merced County Mental Health Department (Repeals Ordinance No. 1692 and Amends County Code Chapter 9.48) and sets second reading and possible adoption for December 23, 2003 at 10:30 a.m.

Ayes: Crookham, Cortez Keene, Nelson, Kelsey, O'Banion